

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
FEBRUARY 3, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Rob Martz, and the Invocation was give by Mike Anderson, Warr Acres Police Chaplin.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Justin Frisbie
Councilman Jimmy Alexander
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Barry Curl
Councilman Tom Smith
Councilman Greg Hayes

ABSENT

Councilman Walter Johnson

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Scott Barrett, City Engineer
Wiley Rice, City Planner
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.

There were no questions or comments from residents.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.

A. Approval of Minutes – Regular City Council Meeting of January 6, 2004 and January 20, 2004. ****

B. Approval of Expenditures –	General Fund	\$ 72,783.23
	Street & Alley	\$ 3,650.64
	E911 Fund	\$ 354.73

- C. Approval of Proposed Expenditures for January 2004. ****
- D. Sales Tax History Report. ****
- E. Receive Planning Commission minutes for January 13, 2004 and Special Meeting of January 23, 2004. (Not yet approved by the Planning Commission) ****
- F. Receive Traffic Commission minutes for January 15, 2004. (Not yet approved by the Traffic Commission) ****

Councilman Frisbie asked for item A to be pulled for discussion.

Motion by Curl, second by Frisbie to approve the remaining items on the consent docket. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

- 4. Discussion and possible action on items removed from the consent docket.

Councilman Frisbie stated that the minutes from the January 6, 2004 meeting had already been approved and did not need to be on the agenda again. Councilman Curl stated that he liked having the minutes in the packets so that they could remember which meeting items were discussed at. Councilman Frisbie stated that it was ok for them to be included in the packet just not an item on the agenda for approval.

Motion by Frisbie, second by Wehba to approve the minutes of the January 20, 2004 meeting. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, abstain; Tardibono, yea.

Motion Passed.

- 5. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

There were no additional reports from staff.

- 6. Discussion and possible action on bid specs for the purchase of a new television and camera system for the Council Chambers. *Smith*

Councilman Smith stated that he was not ready. Councilman Wehba stated that they would have the information ready for the February 17th meeting.

Motion by Smith, second by Wehba to continue this item to the February 17th meeting. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

7. Discussion and possible action on instructing the City Engineer to coordinate with ODOT and others concerning right of way acquisition, utility relocation plans and other requirements for preparation of the MacArthur Project that has been approved by ACOG for funding in 2004. *Smith*

Scott Barrett stated that all relocation plans have been approved except for OKC Water. It is now up to the city to acquire the right-of-ways, prepare and send letters. The Mayor stated that the Council has decided to wait until the first of April and take another look at the budget after the third quarter to see where the city funds stand. Scott Barrett told the council that at this point there is not really time to spare in order to meet the May deadline. Councilman Smith asked if there were new requirements that were causing the need for the additional acquisitions. Mr. Barrett stated that there was not, the additional parcels are mostly corner lots and are needed for the drainage portion of the project. Councilman Smith asked how much it would cost for the right-of-ways. Councilman Wehba asked if the fifth lane could be taken out. Councilman Curl reminded the council that the MacArthur project had been a plan for ACOG for years. Mr. Barrett stated that it would be hard to change the plans and still meet the deadline and that ACOG might reconsider funding the project if the fifth lane were removed. He stated that he could ask the questions and find out estimated cost and get back with the council.

Motion by Gossman, second by Wehba to continue the item to the February 17th meeting so that Mr. Barrett can find out what the cost of the right-of-ways would run and find out if the fifth lane could be removed from the plans. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed.

8. Discussion and possible action on hiring Anita Breen to review and revamp the city's job descriptions and pay scale. *Mayor* ****

The Mayor stated that in the hiring process of the former Inspector discussion on the way the pay scale was being interpreted came under fire. Also Margaret Love had looked at the pay scale and stated that it needed to be revamped and upgraded to be more in line with the salaries paid for the same position in other cities in order to hire a qualified person. Councilman Wehba stated that it did not matter who did the pay scale it just needed to be kept up with. The Mayor stated that it had been several years since it was last changed. Also the Job descriptions needed to be revised. The comment was made by one councilman that the jobs had not changed so they did not need new job descriptions. Bob Jernigan stated that the job descriptions needed to meet federal laws. Councilman Alexander wanted to know how much it would cost to have this work done. Tommy Pike

addressed the council saying that no one can do a job description for a job that they do not actually work. He also stated that when Ms. Breen was hired by the city before she never gave them a report. He was told that she was not the one that had done the job descriptions and pay scale before she was hired for another reason.

Motion by Curl, second by Smith to authorize the Mayor to obtain a proposal and cost from Ms. Breen for the revamping of the pay scale and the review of the job descriptions. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

9. Public Hearing and possible action on a sign variance application, Micah 6:8 L.L.C. applicant. ****

Reggie Smith spoke on behalf of Micah 6:8 stated that they had previously had a sign in the same location. He stated that if approved they would place the sign on the property in one of two places shown on the plans and the sign would only stay there until all the homes were sold. He told them that the sign would be concreted into the ground.

Motion by Hayes, second by Curl to approve the sign variance with the sign being placed on the property for six months and in location "E" on the plans and the sign must be removed as soon as all the homes are sold. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

10. Discussion and possible action on lifting the hiring freeze to hire an additional person to assist the Inspector and help City Hall staff. *Mayor*

Councilman Frisbie stated that he thought it was decided that the new Animal Control officer would be assisting the Inspector and there was not money in the budget for another person. Councilman Smith stated that when the new officer starts that he strongly suggests that they be given a schedule or time frame for which jobs are to be accomplished. Chief Patty stated that with all the duties assisting the Inspector there will not be time to assist at city hall. This item is moot and does not require action.

11. Discussion and possible action on Resolution #389 ratifying and reaffirming the existing Employee Handbook of Personnel Policies adopted on or about January 2001. And adopting a new Employee Handbook of Personnel Policies dated January 6, 2004 reflecting all amendments and other changes subsequent to adoption to the January 2001 Handbook. *Jernigan*

Attorney Jernigan stated that he did not have it ready yet with all the corrections that needed to be made. Tommy Pike told the council that at the last meeting it was said that the Resolution approving the handbook could not be found and he said it was approved by Ordinance. Mr. Jernigan told Mr. Pike that the handbook is to be approved and amended by Resolution not by Ordinance and that was part of the problem it was done incorrectly in the past. Mr. Jernigan asked for the item to be continued to the March 2, 2004 meeting.

Motion by Frisbie, second by Wehba to continue this item to the March 2, 2004 meeting to allow Mr. Jernigan more time to make the needed changes. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

12. Discussion and possible action on Resolution #390 to earmark the money from the Ad Valorem taxes for the Macarthur Project. *Jernigan*

Bob Jernigan stated that at the last meeting there was discussion about changing the wording on the Resolution and he needed to know exactly what they wanted. Councilman Wehba stated that he wanted the money to stay in the Sinking fund until all of the money was recovered over the three year period of time. Councilman Curl stated that the city might need the funds before the three years past. Tommy Pike stated just because you make a Resolution to earmark funds it is not a standing order and can be changed by the next council.

Motion by Curl, second by Smith to approve Resolution #390. Poll vote: Alexander, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed.

13. Discussion and possible action on Resolution #391 to accept the filing of a subdivision maintenance bond for Woodcreek II Addition. *Jernigan*

Barry Lodge with Coon Engineering stated there was some confusion as to what exactly was needed as far as bonding. Bob Jernigan stated that at first he thought Coon would be posting one bond for all the work. However, there are three different bonds; one for paving, one for water and one for sewer. Mr. Jernigan told the council that the paving bond had been filed with the city and the bond on the water had been filed with Oklahoma City. The bond for the sewer would be filed in the morning. He stated that the council could go ahead and approve the Resolution and that he would make sure that it met the requirements. The question was raised concerning backup flow preventor valves. The council was told that it was thought that a requirement for the valves was in the city code. Mr. Jernigan stated that the word "bond" needed to be changed to "bonds".

Motion by Curl, second by Gossman to approve Resolution #391 subject to approval of the bond submitted by Grooms Irrigation by the Mayor and City Attorney. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

14. Discussion and possible action on Resolution #392 to release the construction bond for Woodcreek II Addition. *Jernigan*

Mr. Jernigan stated that with the acceptance of the maintenance bonds the construction bond could be released along with the funds that were on hold.

Motion by Smith, second by Alexander to approve Resolution #392 with changes to be made by the Attorney. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

15. Discussion and possible action on proceeding with the process in order to hire a new Building Inspector. *Mayor*

The Mayor stated that on Monday morning Mike Turman walked into City Hall after hearing that the position was open. Bob Jernigan stated that there was no need to go out for applicants. The Mayor stated that she would like to have the councils approval to hire Mr. Turman as Building Inspector. Councilman Wehba stated that he had talked with Mr. Turman. The question was raised as to what he would be paid and the Mayor stated it would be one step higher than where he was before.

Motion by Wehba, second by Gossman to hire Mike Turman as Building Inspector. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

16. Discussion and possible action on setting up a committee to review and possibly adjust permit fees, license fees and other fees. *Mayor*

The Mayor stated that she would like to have Mike Gossman and Earl Hayes on this review committee. The council also recommended that Mike Turman be included on the committee.

17. Discussion and possible action on a contract with Oklahoma County for the paving of Hammond Street from NW 33rd to NW 42nd Street.

The Mayor stated that she received a call from Dan Galloway, Bethany City Manager, stating that there would be a meeting at Bethany City Hall with the County concerning Hammond. The County is going to pave Hammond from 30th to 42nd Street and the cost to the city will be \$23,800 for the asphalt. The labor and equipment will be the County's expense. They plan on resurfacing the street which may or may not correct the drainage problem. They hope it will at least relieve some of the problem. Councilman Wehba was concerned that it could cause more problems. He stated that in the past the city had gone in and overlayed a street with asphalt and then had to go back and remove it because water got in between the concrete and the asphalt. Scott Barrett stated that the city will still need to continue on with plans to correct the drainage situation. Councilman Frisbie asked if the street would have to be taken up when the drainage project was done. Mr. Barrett stated that he did not believe it would need to be taken out. Bob Jernigan stated that the contract was being reviewed by the DA's Office for approval.

Motion by Wehba, second by Curl to go along with the project not to exceed \$23,800. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

18. Questions and comments from Council members.

Councilman Wehba-stated that Johnny Dickson and Brad Seale had stated that a ditch on the 33rd Street property that was cleaned out and they found a drainage box. They believe they can divert the ditch to the box at a minimum cost. Also, concerning EMSA, has the city done anything to resolve the problem. Chief Carter stated that the metro chiefs have been meeting to come up with a plan. The cost for the city will depend on what cities stay with EMSA. Councilman Wehba stated that an ambulance service needed to be set up like the Public Works Authority. Councilman Alexander wanted to know who determines if EMSA meets the time requirements. He was told that EMSA makes that determination, however, according to Chief Patty and Chief Carter they have been meeting the times.

Mayor Tardibon-read a letter sent to her from Les and Anita Weaver the managers at Eagle Crest Storage. They commended Kevin Smith and Earl Hayes for the fine work they do and going above and beyond the call of duty.

Councilman Smith-asked about the drainage that was previously by Community Bank and Taco Mayo. He questioned if it were reopened would it help with the drainage.

19. New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior

to the time of posting of the agenda of a (“surprise nature”)).

There was no new business.

20. Discussion and possible action on contract and negotiations with I.A.F.F. Local #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups.

Motion by Wehba, second by Gossman to enter into executive session. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Council took at 10 minute recess before entering into executive session at 9:00 p.m.

The Council returned to open session at 9:45 p.m. **WITH NO ACTION TAKEN.**

21. Adjournment.

Motion by Wehba, second by Gossman to adjourn. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, nay; Hayes, abstain; and Tardibono, yea.

Motion Passed.

The meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
FEBRUARY 3, 2004
7:00 p.m.
(Following completion of Regularly scheduled City Council meeting)**

1. The meeting was called to order at 9:47 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairperson Marietta Tardibono
Vice-Chair Justin Frisbie
Trustee Jimmy Alexander
Trustee Mike Gossman
Trustee Bob Wehba
Trustee Barry Curl
Trustee Tom Smith
Trustee Greg Hayes

ABSENT

Trustee Walter Johnson

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of January 6, 2004. ****

Motion by Wehba, second by Frisbie to the minutes. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$58,716.37 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of February, 2004. ****

Motion by Wehba, second by Frisbie to approve the payment of the claim. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Wehba, second by Alexander to adjourn. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, abstain; and Tardibono, yea.

Motion Passed.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

MEETING OF THE TRUSTEES OF THE WARR ACRES ECONOMIC DEVELOPMENT AUTHORITY

**5930 NW 49TH STREET,
WARR ACRES, OKLAHOMA**

TUESDAY

FEBRUARY 3, 2004

7:00 p.m.

**(Following the completion of the Regular City Council Meeting & WA Public Works
Authority Meeting)**

1. The meeting was called to order at 9:51 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairperson Marietta Tardibono
Vice-Chair Justin Frisbie
Trustee Jimmy Alexander
Trustee Mike Gossman
Trustee Bob Wehba
Trustee Barry Curl
Trustee Tom Smith
Trustee Greg Hayes

ABSENT

Trustee Walter Johnson

2. Approval of Minutes of the Meeting of Economic Development Authority Special Meeting of January 20, 2004. ****

Motion by Frisbie, second by Gossman to approve the minutes. Poll vote:
Alexander, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea;
Hayes, abstain; and Tardibono, yea.

Motion Passed.

3. Discussion and possible action on setting policies towards businesses and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Motion by Smith, second by Wehba to enter into executive session. Poll vote: Alexander, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Trust entered into executive session at 9:53 p.m.

The Trust returned to open session at 10:10 p.m. **WITH NO ACTION TAKEN.**

4. Adjournment.

Motion by Gossman, second by Wehba to adjourn. Poll vote: Alexander, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, nay; Smith, yea; Hayes, nay; and Tardibono, nay.

Motion Passed.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk